

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MICHAEL K. HERRON,
Debtor

: Case No. 19-24527-TPA
: Chapter 11
: Related to Doc. Nos. 265, 270

ORDER

On January 14, 2021, a hearing was held on the confirmation of the ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15, 2020*** ("Plan") (Doc. 265). The Debtor seeks cram-down of the *Plan* under *11 U.S.C. §1129(b)* because not all of the impaired classes have voted in favor of confirmation in that creditors in some of the impaired classes did not return a ballot, which this Court treats as equivalent to a "no" vote, meaning *Section 1129(a)(8)* has not been satisfied. However, none of the non-voting creditors appeared at the January 14, 2021 confirmation hearing, nor have they otherwise filed any objection to the *Plan*. Additionally, the Court finds that on its face the *Plan* does not discriminate unfairly and is fair and equitable with respect to each class of claims that is impaired under and has not accepted the *Plan*.

AND NOW, this 22nd day of ***January 2021***, the Debtor having filed ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15, 2020*** (Doc. 265), and after notice and hearing, the Court having determined that the requirements for confirmation of the Plan under *11 U.S.C. §1129* are satisfied, it is hereby ***ORDERED, ADJUDGED*** and ***DECREED*** that:

(1) The Debtor's request for cram-down of ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15,***

2020 (Doc. 265), pursuant to *11 U.S.C. §1129(b)* is **GRANTED** and the Plan is **CONFIRMED**, including any stipulations or other amendments finally approved by the Court which are incorporated by reference into the Plan as if fully set forth therein.

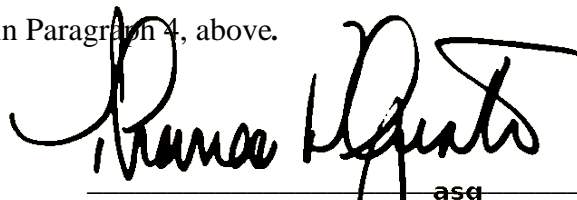
(2) This Order shall become effective as set forth in Paragraph 1, above, unless **on or before February 8, 2021**, any creditor that voted “no” on the Plan, or failed to vote, requests a hearing in the form of an **Objection** and sets forth cause for its objection.

(3) In the event any **Objection** to confirmation is timely filed, a hearing on the cram down request will take place on **February 18, 2021 at 10:00 A.M.**, the procedure for which will be subject to further Court Order and Judge Agresti’s Procedures for evidentiary hearings.

(4) The Debtor shall **immediately** serve this Order on all interested Parties having failed to vote or voting “no” on the December 15, 2020 *Plan*, which specifically include:

- (a) Bank of America, N.A.;
- (b) Wells Fargo Bank, N.A.;
- (c) PHH Mortgage Corporation;
- (d) US Bank;
- (e) Pennsylvania Department of Revenue;
- (f) Internal Revenue Services; and
- (g) William G. Cherbonnier, Jr.

(5) **On or before January 25, 2021**, the Debtor shall file a **Certificate of Service** indicating service of the Parties as identified in Paragraph 4, above.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Aurelius Robleto, Esq.
Office of the U.S. Trustee
Debtor